

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

GERALD CAIN II

v.

GILBERT HERRERA, ET AL.

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C.A. NO. C-04-502

**MEMORANDUM OPINION AND ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT**

On December 17, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 34). Objections were timely filed (D.E. 36). On February 28, 2006, the Court remanded the matter back to the Magistrate Judge for consideration of the plaintiff's allegation that property was taken from him (D.E. 37). On March 3, 2006, the Magistrate Judge filed a supplemental Memorandum and Recommendation on this issue (D.E. 38). Objections were again timely filed (D.E. 40). Having reviewed *de novo* the Magistrate Judge's memorandums and recommendations and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, defendant's motion for summary judgment (D.E. 28) is granted.

ORDERED this 18 day of March, 2006.


HAYDEN HEAD
CHIEF JUDGE